



IN THE DISTRICT COURT OF TULSA COUNTY  
STATE OF OKLAHOMA

NICOLE LABOUBE,  
Plaintiff,

v.

NATIONAL GENERAL  
INSURANCE COMPANY,  
Defendant.

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DISTRICT COURT  
**FILED**

JUL 16 2020

Case No. DON NEWBERRY, Court Clerk  
STATE OF OKLA. TULSA COUNTY

**CJ - 2020 - 02209**

*Jury Trial Demanded  
Attorney Lien Claimed*

PETITION

Caroline E. Wall

COMES NOW the Plaintiff, Nicole LaBoube (hereinafter "Plaintiff"), by and through her counsel, Daniel Aizenman and Brett Stingley, of the firm Aizenman Law Group, and in support of her claims against the Defendant, National General Insurance Company (hereinafter "Defendant") alleges as follows:

**JURISDICTION**

1. Plaintiff, Nicole L. LaBoube, resides in Tulsa County, Oklahoma.
2. Defendant, National General Insurance Company, is a foreign insurance company formed in Missouri. Defendant is licensed to transact insurance business in Oklahoma.
3. Plaintiff alleges damages exceeding \$75,000, exclusive of costs and interest. This Court has jurisdiction and venue over the parties and subject matter.

**CAUSES OF ACTION**

**Claim No. 1 – Bad Faith**

4. Defendant is an insurance company with authority to transact insurance in Oklahoma.

5. Defendant issued a Critical Illness or Cancer Heart/Stroke insurance policy to Plaintiff, under Policy No. CI672090217.

6. The policy included coverage for medical expenses resulting from stroke; defined in the policy as a brain tissue infarction due to acute cerebrovascular incident, embolism, thrombosis, or hemorrhage.

7. During the policy term, on January 11, 2020, Plaintiff experienced severe pain in her head. Plaintiff went to the emergency room at Hillcrest Medical Center in Tulsa, Oklahoma.

8. An MRI was performed and revealed Plaintiff suffered a stroke, and therefore, and she was admitted to into the hospital Hillcrest Medical Center.

9. While in the hospital, Plaintiff was treated by a neurologist who examined her, reviewed her MRI, and confirmed she suffered a nontraumatic stroke on January 11, 2020.

10. Plaintiff underwent rehabilitation and physical therapy to restore her faculties.

11. After Plaintiff was discharged from the hospital, she made a claim for medical expenses under her policy with the Defendant.

12. Plaintiff's treating neurologist sent Defendant a certification of his diagnosis of nontraumatic subarachnoid hemorrhage.

13. Defendant failed to perform a prompt or reasonable investigation into Plaintiff's claim.

14. Defendant breached its contract with Plaintiff by denying coverage and refusing to pay the amount due under the insurance policy, despite Plaintiff's demand for payment.

15. Plaintiff has performed all conditions precedent to recover under the insurance policy and has not excused Defendant's breach.


16. Defendant's refusal to pay Plaintiff's claim was unreasonable under the circumstances, and Defendant thereby violated its duty of good faith and fair dealing with Plaintiff.

17. Due to Defendant's refusal to pay Plaintiff's claim, Plaintiff has had to and continues to pay attorney's fees and has experienced mental pain and suffering.

18. Due to Defendant's violation of its duty of good faith and fair dealing, Plaintiff demands compensatory damages for attorney's fees and mental pain and suffering, as well as punitive damages.

WHEREFORE, Plaintiff, Nicole LaBoube, prays for judgment in her favor against Defendant, National General Insurance Company, for a sum exceeding \$75,000, exclusive of costs and interest, together with the awarding of costs, interest, and other relief this Court deems just and proper.

Respectfully submitted,



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***Attorneys for Plaintiff***